

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. the)	
State Engineer,)	
)	
Plaintiff,)	No. 69cv07941-BB
)	
v.)	
)	Rio Chama Stream System
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
)	

OBJECTION TO SPECIAL MASTER'S REPORT ON PRIORITIES FOR
THREE ACEQUIAS

The United States of America (“United States”) submits this objection for the limited purpose of ensuring that the record is clear that the adjudication of priorities proceedings concerning the Mainstream Section of the Rio Chama Stream System that are the subject of the December 16, 2009 *Special Master’s Report on Priorities for Three Acequias* (Doc. No. 9546) (“Special Master’s Report”) were not *inter se* proceedings and were never intended to preclude subsequent *inter se* challenges to the priorities, or any findings of fact or conclusions of law, determined in the course of those Mainstream Section adjudication of priorities proceedings. See, e.g., Paragraphs 3, 5, and 10 of the July 8, 1994 *Amended Order on the Adjudication of Water Right Priorities* (Providing that judgments and decrees entered as a result of such proceedings would be “subject to *inter se* objections of other parties.”); see also November 17, 1995 *Order Adopting*

Stipulation (Doc. No. 4380) at 2 (“said Stipulation is binding only upon the Plaintiff, State Engineer, and the aforesaid three (3) acequias”).¹

Accordingly, any facts found or legal conclusions rendered as a result of the Court’s action on the Special Master’s Report must be without prejudice to the ability of other parties to this case, including specifically the United States and Ohkay Owingeh (formerly known in this case as the Pueblo of San Juan), to introduce at an appropriate time in this case, or in other adjudications pending before this Court, evidence and argument showing that one or more of the findings, conclusions, or recommendations of the Special Master’s Report are in error. The United States otherwise has no objection to the Special Master’s Report.

Respectfully submitted,

/s/ Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

¹ Page 3 of the Special Master’s Report acknowledges the Stipulation in question as the source of the facts asserted in Paragraphs 1 - 9 of the Report.

CERTIFICATE OF SERVICE

I certify that, on January 28, 2010, I filed the foregoing *Objection To Special Master's Report On Priorities For Three Acequias* electronically through the CM/ECF system which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/
Bradley S. Bridgewater